

REG-73-007 RECORDS

007.01 Every supplier, distributor, wholesaler, importer, and exporter of fuels or retailer of compressed fuel is required to maintain records. These records must include the normal books of account ordinarily maintained by the average business engaged in a similar activity together with all documents supporting entries in the books of account. For each separate act of importing, producing, refining, manufacturing, compounding, or blending of fuels into or within the State of Nebraska, and for each separate act of exporting fuels from Nebraska, a licensee must record and retain the following information:

007.01A Name and address from whom obtained;

007.01B Date of importing, refining, manufacturing, producing, compounding, blending, or exporting;

007.01C Point of origin of shipment of fuels;

007.01D Point of delivery of shipment of fuels;

007.01E Method of shipment of fuels;

007.01F Number of gallons of fuel based on gross gallons;

007.01H In the case of undyed diesel fuel, federal exemption certificates, Federal Form 1094, or other evidence of sale to the federal government;

007.01I In the case of undyed diesel fuel, properly completed Nebraska Tax Exempt Certificate for Purchase of Diesel Fuel, Form 91EX, and Nebraska Diesel Fuel Retailer's Exemption Report, Form TC91R; and

007.01J Work papers and taxpayer's copy of schedules used in the preparation of the tax return must be retained as provided in Reg-73-007.05.

007.02 Invoices, meter readings, pipeline terminal and refinery bills of lading, inventory records, including inventory control records maintained for the State Fire Marshal, and other memorandum must be retained in addition to the information required above. The maintenance of this information in a provable computer format or on microfilm is acceptable in lieu of retention of the original documents.

007.03 Any person making sales of fuels within the State of Nebraska to users of the fuels must give, upon the request of such users, an invoice covering the transaction. Invoices shall contain the following information:

007.03A Date of purchase;

007.03B Name and address of seller;

007.03C Name and address of purchaser;

007.03D Name of product;

007.03E Number of gallons;

007.03F Price per gallon;

007.03G Total sales price; and

007.03H If undyed diesel fuel or compressed fuel is placed directly into the supply tank of a nonhighway use vehicle or equipment, a general description of the type of vehicle or equipment in which the diesel fuel or compressed fuel was placed.

007.04 Credit card invoices are accepted for bona fide credit sales. Credit card invoices are also accepted for cash sales of fuel purchases. Cash invoices must have the words "cash sale" and "paid" written visibly on the face.

007.05 The department may examine the books, schedules, work papers, and records required by these regulations of licensees to verify the accuracy of any report or return filed or, if no report or return is filed by the licensee, to determine the amount of tax, interest, and penalties required to be paid. Records must be retained for a period of not less than three years after the return is filed or for a period of five years if the required reports are not filed.

007.05A In the case of motor vehicle fuels retailers, aircraft fuels retailers and diesel fuel retailers, records shall be retained for three years.

(Sections 66-4,149, 66-6,114, 66-720, 66-725 and 66-731, R.R.S. 1996, 66-487, 66-673 and 66-680, R.S.Supp. 2000. November 1, 2001.)